

ORDER



U.S. Department of Justice

*United States Attorney
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February 5, 2015

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R E C E I V E D

FEB 18 2015

Honorable Douglas E. Arpert
U.S. Magistrate Judge
U.S. District Court for the District of New Jersey
Clarkson S. Fisher Building & U.S. Courthouse
402 East State Street
Trenton, New Jersey 08608

AT 8:30 _____ M
WILLIAM T. WALSH
CLERK

Re: BRRAM, Inc., et al., v. FAA, et al.
Civil Action No. 14-2686 (JAP)

Dear Judge Arpert:

I write on behalf of federal defendant Federal Aviation Administration ("FAA"), and with the consent of defendant Frontier Airlines, Inc. ("Frontier"), to respectfully disagree with plaintiffs' position that the Court should hold oral argument on plaintiffs' pending Motion to Amend. The FAA and Frontier contend, for the reasons stated in their respective opposition papers to plaintiffs' Motion to Amend, (Docket Entries 39 and 42), that Your Honor should deny the Motion to Amend without further briefing of any party or oral argument. However, if Your Honor has questions concerning any of the arguments advanced in Plaintiffs' Reply Brief to Opposition to the Motion for Leave to Amend the Complaint (Docket Entry 45), especially the arguments not previously raised by plaintiffs in their Memorandum in Support of Plaintiffs' Motion to Amend the Complaint (Docket Entry 35-1) and which remain unaddressed, and believes that additional input from the FAA and the other defendants would aid the Court's decision, the FAA and Frontier would welcome the opportunity, at Your Honor's discretion, to file a sur-reply or participate in an oral argument concerning plaintiffs' Motion to Amend.

I thank the Court for Your Honor's attention to this letter and respectfully request that the Court advise whether or not Your Honor wants the FAA and Frontier to submit a sur-reply and/or desires oral argument regarding plaintiffs' Motion to Amend.

Respectfully submitted,

PAUL J. FISHMAN
United States Attorney

s/ J. Andrew Ruymann

By: J. ANDREW RUYMANN
Assistant U.S. Attorney

Enclosure

c: All Counsel (w/encl) (By ECF)

* Defendant's request to submit a sur-reply regarding plaintiffs Motion to Amend is DENIED without prejudice and may be resubmitted once this matter has been reassigned.

So ordered.



Hon. Douglas E. Arpert, U.S. M.J.

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dated: February 18, 2015